I'll research 8th Circuit cases on each element of Minnesota's scope of employment test under the FTCA for unintentional torts.Let me dig deeper into the specific cases identified and find additional on-point authority.Here's what I found. A few caveats: I'm not a lawyer, this is based on web-searchable sources (not Westlaw/Lexis), and you should verify citations independently. Some of these cases apply the law of other 8th Circuit states (Iowa, South Dakota, Arkansas) but articulate the same general framework the 8th Circuit uses when applying Minnesota law.

Foundational framework: Under the FTCA, scope of employment is determined by state law where the tort occurred. *Johnson v. United States*, 534 F.3d 958, 963 (8th Cir. 2008). For Minnesota negligence claims specifically, the test has four prongs: (1) furtherance of employer's interest, (2) authorized conduct, (3) authorized time and place, and (4) foreseeability. This tracks Minnesota's model jury instruction CIVJIG 30.14/30.15, as applied in FTCA cases by the D. Minn. in *Murray ex rel. Murray v. United States*, 258 F. Supp. 2d 1006, 1012 (D. Minn. 2003), aff'd, 381 F.3d 810 (8th Cir. 2004).

The 8th Circuit also holds that FTCA claims are strictly limited to scope-of-employment analysis and do not encompass broader state-law doctrines like apparent authority. *St. John v. United States*, 240 F.3d 671, 676 (8th Cir. 2001); *Primeaux v. United States*, 181 F.3d 876, 878 (8th Cir. 1999) (en banc).

Element 1 — Furtherance of Employer's Interest

The most on-point 8th Circuit case is *Blais v. United States*, 37 F.4th 502 (8th Cir. 2022). A USPS rural carrier in Minnesota completed his route, logged off, drove to an auto shop to pay a personal bill, and was heading home when he caused a fatal accident. The 8th Circuit affirmed dismissal — Baron was acting exclusively for personal purposes, not in furtherance of USPS's interests. The court distinguished Minnesota precedent like *Boland* (traveling salesman checking on employer's trailers — scope found) from the facts here.

The foundational Minnesota case the 8th Circuit relies on for this element is *Edgewater Motels, Inc. v. Gatzke*, 277 N.W.2d 11 (Minn. 1979), which held that an employee filling out an expense report in his motel room (who negligently started a fire) was acting in furtherance of his employer's interest because the expense report was employer-related work. The Gatzke court stated the key question is whether the employee's conduct was "to some degree, in furtherance of the interests of his employer."

Element 2 — Authorized Conduct

Johnson v. United States, 534 F.3d 958 (8th Cir. 2008) is the best case here. A BIA correctional officer, temporarily stationed in North Dakota, pulled over a civilian on a highway and assaulted him. The 8th Circuit held this was outside the scope of employment because correctional officers supervise inmates inside detention facilities — they have no arrest authority on public roads. The conduct was not of the kind the employee was authorized to perform. His job was corrections, not law enforcement; the two programs are distinct within BIA.

Kearns v. United States (8th Cir. 2022) cuts the other way, finding that a VA employee's whistleblower-type conduct was largely within the scope of employment because it was authorized by VA processes and "of the same general nature" as authorized duties. (This case applied Iowa law, but the analytical framework is the same.)

Element 3 — Foreseeable Conduct

St. John v. United States, 240 F.3d 671 (8th Cir. 2001) addresses foreseeability in the FTCA context. A BIA police officer in South Dakota used his authority to falsely arrest his ex-wife, then sexually assaulted her. The court found the false arrest was within scope (foreseeable abuse of arrest authority), but the sexual assault was not — it was too remote and unforeseeable from the nature of law enforcement employment. The key distinction is that negligent or foreseeable misuses of authority remain within scope, while conduct that is a radical departure does not.

Again, the underlying Minnesota standard comes from *Gatzke*, which treats foreseeability broadly for negligent acts — an employee smoking while doing paperwork was foreseeable conduct incident to employment, even though it caused a fire.

Element 4 — Authorized Time and Place

Blais v. United States, 37 F.4th 502 (8th Cir. 2022) is again the most directly on point. The accident occurred approximately seven miles from the closest point of Baron's postal route, after he had completed his route and logged off. The court emphasized the geographic and temporal disconnect — he was driving away from his route, heading home. This failed the time-and-place element.

Johnson, 534 F.3d 958, also addresses this: the incident occurred on a public highway after the correctional officer's shift had ended, while he was driving to his temporary lodging. The court noted the incident was "far removed from the detention facility where Little Light had authority to act."

Walsh v. United States, 31 F.3d 696 (8th Cir. 1994) similarly held that a National Guard member killed in an auto accident while driving to a training session was not acting within the scope of employment — the commute was outside authorized time and place, and a military "line of duty" finding for benefits purposes was irrelevant to FTCA scope analysis.

Important caveat on the distinction between negligent and intentional tort tests: Minnesota uses a different (narrower) scope-of-employment test for intentional torts. Since you specified unintentional torts, the four-factor test above applies. Several of the 8th Circuit cases I found (St. John, Primeaux) actually involved intentional torts but contain useful dicta on the general framework. For a pure negligence FTCA claim under Minnesota law, *Blais* and *Johnson* are your strongest 8th Circuit authorities, with *Gatzke* (Minn. 1979) as the foundational state-law case the federal courts rely on.

Sources:

- Johnson v. United States (FindLaw)
- St. John v. United States (Justia)
- Primeaux v. United States (FindLaw)
- Blais v. United States (FindLaw)

- Kearns v. United States (FindLaw)
- Walsh v. United States (Justia)
- Murray ex rel. Murray v. United States (Justia)
- Edgewater Motels v. Gatzke (Justia)
- D. Minn. Case No. 0:18-cv-02762 (GovInfo)